

COLLEGE STUDENT AID COMMISSION[283]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 261.3, the Iowa College Student Aid Commission hereby amends Chapter 8, “All Iowa Opportunity Scholarship Program,” and rescinds Chapter 9, “All Iowa Opportunity Foster Care Grant Program,” Iowa Administrative Code.

The adopted amendments reflect changes to Iowa Code sections 261.6 and 261.87 enacted in 2017 Iowa Acts, House File 642, sections 43 and 47. Section 43 rescinded the All Iowa Opportunity Foster Care Grant Program, and section 47 includes eligible foster care students as priority recipients under the All Iowa Opportunity Scholarship Program, eliminates the grade point average requirement, and increases the number of awards a student may receive.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 21, 2017, as **ARC 3125C**. The adopted amendments are identical to the amendments published under Notice.

The agency finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective September 20, 2017. The agency finds that these amendments confer a benefit on the public by ensuring clarity with respect to changes that affect program administration for the 2017-18 school year. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(1)(b), and the normal effective date of these amendments is waived.

After analysis and review of this rule making, the Commission finds that there is no impact on jobs.

These amendments are intended to implement Iowa Code chapter 261 and 2017 Iowa Acts, House File 642, sections 43 and 47.

These amendments became effective September 20, 2017.

The following amendments are adopted.

ITEM 1. Amend rule 283—8.2(261) as follows:

283—8.2(261) Definitions. As used in this chapter:

“Eligible college or university” means an Iowa community college, an institution of higher education governed by the state board of regents, or an accredited private institution located in Iowa that meets all eligibility requirements set forth in Iowa Code section 261.9. All eligible colleges and universities must submit annual reports which include student and faculty information, enrollment and employment information, and other information required by the commission as described in Iowa Code section 261.9.

“Eligible foster care student” means a person who has a high school diploma or a high school equivalency diploma under Iowa Code chapter 259A and is described by any of the following:

1. Is age 17 and is in a court-ordered placement under Iowa Code chapter 232 under the care and custody of the department of human services or juvenile court services.
2. Is age 17 and has been placed in a state juvenile institution pursuant to a court order entered under Iowa Code chapter 232 under the care and custody of the department of human services.
3. Is age 18 through 23 and is described by any of the following:
 - On the date the person reached age 18 or during the 30 calendar days preceding or succeeding that date, the person was in a licensed foster care placement pursuant to a court order entered under Iowa Code chapter 232 under the care and custody of the department of human services or juvenile court services.
 - On the date the person reached age 18 or during the 30 calendar days preceding or succeeding that date, the person was under a court order under Iowa Code chapter 232 to live with a relative or other suitable person.
 - The person was in a licensed foster care placement pursuant to an order entered under Iowa Code chapter 232 prior to being legally adopted after reaching age 16.
 - On the date the person reached age 18 or during the 30 calendar days preceding or succeeding that date, the person was placed in a state juvenile institution pursuant to a court order entered under Iowa Code chapter 232 under the care and custody of the department of human services.

“Expected family contribution (EFC)” is the means by which the commission ranks the relative need of an applicant for financial assistance. Expected family contribution shall be evaluated annually on the basis of a confidential statement of family finances filed on a form designated by the commission. The commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form used to calculate a formula developed by the U.S. Department of Education, the results of which are used to determine expected family contribution. Relative need will be ranked based on the applicant’s expected family contribution (EFC) provided by the U.S. Department of Education. The FAFSA must be received by the processing agent by the date specified ~~in the application instructions~~ by the commission.

“Full-time” means enrollment at an eligible college or university in a course of study including at least 12 semester hours or the trimester or quarter equivalent.

“Iowa resident” means a person who meets the residency requirements established in 283—Chapter 10.

“Part-time” means enrollment at an eligible college or university in a course of study including at least three semester hours or the trimester or quarter equivalent.

ITEM 2. Amend subrule 8.3(1) as follows:

8.3(1) Applicants for the all Iowa opportunity scholarship program must complete the Free Application for Federal Student Aid (FAFSA) by the date specified ~~in the application instructions~~ by the commission and any additional applications or documents required by the commission. In addition to completing the FAFSA, an applicant must be:

a. An Iowa resident who begins ~~his or her~~ the initial period of postsecondary enrollment within two academic years of graduation from high school or within two academic years of completion of a high school equivalency diploma under Iowa Code chapter 259A; and

~~*b.* An Iowa high school student with at least a 2.5 cumulative grade point average on a 4.0 scale or its equivalent; and~~

~~*c.*~~ *b.* Enrolled for at least three semester hours, or the trimester or quarter equivalent, in a program eligible for federal student aid under Title IV of the federal Higher Education Act leading to an undergraduate degree, diploma, or certificate from an eligible college or university.

ITEM 3. Amend subrule 8.3(3) as follows:

8.3(3) Individuals who have military obligations may delay the initial period of enrollment for up to four academic years beyond high school graduation ~~or~~ and must begin postsecondary enrollment within two academic years of discharge. Exceptions for health or other personal reasons for delaying the initial period of enrollment will be reviewed by commission staff on a case-by-case basis.

ITEM 4. Amend subrule 8.4(2) as follows:

8.4(2) *Priority for grants.* Only applicants with expected family contributions (EFCs) at or below the average tuition and fees for regent university students for the academic year for which awards are being made will be considered for awards.

a. All eligible new and renewal foster care students will receive first priority for funding. Awards to eligible foster care students will be made based on EFC levels within the parameters defined by the commission, with students in the lowest EFC levels awarded first and at increasing EFC levels until the maximum EFC level is reached. If all students in a given EFC level cannot be funded, students will be ranked according to the date the state application was filed.

~~*a.*~~ *b.* All eligible renewal applicants will be funded prior to new applicants receive second priority for funding. Awards to renewal applicants will be made based on EFC levels within the parameters defined by the commission, with students in the lowest EFC levels awarded first and at increasing EFC levels until the maximum EFC level is reached. If all students in a given EFC level cannot be funded, students will be ranked according to the date the state application was filed.

~~*b.*~~ *c.* If funding remains after all eligible foster care students and renewal students have been awarded, third priority will be given to students who participated in federal TRIO programs, participated in alternative programs in high school, or graduated from alternative high schools. Awards will be made to students in this category based on EFC levels within the parameters defined by the commission, with students in the lowest EFC levels awarded first and at increasing EFC levels until the maximum EFC

level is reached. If all students in a given EFC level cannot be funded, students will be ranked according to the date the state application was filed.

~~e. d.~~ If funding remains after all priority applicants have been awarded, ~~funding~~ fourth priority will be given to students who participated in federal GEAR UP programs. Awards will be made to students in this category based on EFC levels within the parameters defined by the commission, with students in the lowest EFC levels awarded first, followed by awards to students at increasing EFC levels until the maximum EFC level is reached. If all students in a given EFC level cannot be funded, students will be ranked according to the date the state application was filed.

~~d. e.~~ If funding is available, awards to remaining eligible applicants will be made based on EFC levels within the parameters defined by the commission, with students in the lowest EFC levels awarded first, followed by awards to students at increasing EFC levels until the maximum EFC level is reached. If all students in a given EFC level cannot be funded, students will be ranked according to the date the state application was filed.

ITEM 5. Amend subrule 8.4(3) as follows:

8.4(3) Maximum award. All Iowa opportunity scholarships are provided during the traditional nine-month academic year, which is generally defined as September through May. Students Effective in the fiscal year beginning July 1, 2017, new recipients attending eligible colleges and universities may receive no more than four 8 full-time or eight 16 part-time semesters of all Iowa opportunity scholarships.

a. The maximum award for full-time students will be the lesser of:

- (1) The amount of financial need demonstrated by the student as calculated by the commission, or
- (2) One-half of the average tuition and fees for regent university students for the award year, ~~or,~~
- (3) ~~The tuition and fees paid by the student.~~

~~b. A student may request that the student's maximum four semesters of award eligibility be provided during the first two semesters of enrollment. A student making this request will be eligible for only two semesters and will be awarded no more than the lesser of:~~

- ~~(1) The amount of financial need demonstrated by the student as calculated by the commission,~~
- ~~(2) The annual average tuition and fees at regent universities, or~~
- ~~(3) An amount equal to double the tuition and fees paid by the student during the first year of eligibility.~~

~~e. b.~~ The maximum award for a full-time student will not be affected by the ranking system used to prioritize grants. A part-time student will receive a prorated award, as defined by the commission, based on the number of hours for which the student is enrolled.

ITEM 6. Rescind and reserve **283—Chapter 9.**

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/11/17.